

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

KOREA ADVANCED INSTITUTE OF
SCIENCE AND TECHNOLOGY

Plaintiff,

v.

CASE NO.: 2022-CV-00317

KIP CO., LTD. f/k/a KAIST IP CO., LTD.;
P&IB CO., LTD.;
IN GYOO KANG;
KIPB LLC f/k/a KAIST IP US LLC;
PAULINA FUNDINGCO, LLC; and
U.S. BANK NATIONAL ASSOCIATION

Defendants.

**PAULINA FUNDINGCO, LLC'S MOTION TO DISMISS UNDER
FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Paulina FundingCo, LLC ("Paulina") hereby moves this Court to dismiss all claims Plaintiff Korea Advanced Institute of Science and Technology ("KAIST") has made against it with prejudice for the following reasons:

1. KAIST's Count VI for unjust enrichment against Paulina fails as a matter of law because KAIST fails to plead that Paulina's enrichment through payment from the Arbitration Escrow Fund is in any way unjust or inequitable. KAIST's claim also turns creditor priority on its head by attempting to put KAIST's unsecured interest in the defendants' assets ahead of Paulina's secured interest.

2. KAIST's Count VII for tortious interference with contract against Paulina fails for a similar reason. KAIST has not pleaded that Paulina acted with the requisite intent to interfere with KAIST's alleged rights, or that Paulina's enforcement of a contract pre-dating KAIST's contracts could amount to tortious interference. KAIST has also pleaded itself out of court by

establishing facts proving that Paulina's pursuit of recovery through successful litigation is justified.

3. Because KAIST has already received an opportunity to remedy its deficiencies by amending its complaint, Dkt. 30, and any further amendment would be futile, KAIST's claims against Paulina should be dismissed with prejudice. *Always Towing & Recovery, Inc. v. City of Milwaukee*, 2 F.4th 695, 707 (7th Cir. 2021).

In support of its motion, Paulina submits the accompanying Memorandum.

Dated: June 3, 2022

Respectfully submitted,

/s/ Steven M. Biskupic

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2022, a copy of the foregoing document was served via electronic service through the Court's electronic filing system on all counsel of record.

/s/ Steven M. Biskupic

Steven M. Biskupic